

MEMO ENDORSED

Hon. Gabriel W. Gorenstein
May 8, 2018
Page 2

USDC SDNY
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To narrow the issues to be submitted for summary judgment, the parties have agreed to the following stipulations:

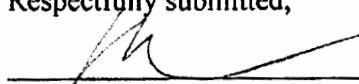
- (1) The amount of Brightstar's loss exceeds \$35 million.
- (2) Brightstar stipulates that its products were lost by misappropriation, secretion, conversion, infidelity or a dishonest act. Consequently, Starr stipulates that the mysterious disappearance exclusion in its policy does not apply.
- (3) Brightstar stipulates that its loss was a single occurrence.
- (4) Starr stipulates that its policy deductible does not reduce the applicable limit of liability such that if the \$25 million limit of liability applies (which Starr denies), then Brightstar would be entitled to the full \$25 million.

Finally, in light of the pending motion to transfer and the upcoming motions for summary judgment, the parties ask that the Court suspend the time for filing pre-trial materials under Section 3 of the Court's Individual Practices until after the motion to transfer and motions for summary judgment have been resolved and the venue and issues to be tried have been defined through this Court's rulings. This is the first request to extend the pre-trial filing deadlines in Section 3 of the Court's Individual Practices.

Thus, the parties request the following schedule:

	<u>Present Deadline</u>	<u>Requested Deadline</u>
Completion of Expert Witness Depositions	May 31, 2018	June 15, 2018
Motions for Summary Judgment	May 11, 2018	May 25, 2018
Responses to Summary Judgment Motions	N/A	June 22, 2018
Replies in support of Summary Judgment Motions	N/A	July 13, 2018
Pre-trial Filings	June 30, 2018	Set post rulings <i>sine die</i>

Respectfully submitted,


Mark L. Durbin

One of the attorneys for Brightstar Corp.
and Brightstar Germany

as stated

SO ORDERED DATE: 5/8/18

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE